

MAR 17 2006

**CIVIL ACTION NO. H-04-4665**

2. The parties agree that individual claims for diseases, illnesses or conditions that have not yet manifested themselves (and, therefore, that Plaintiffs could not have brought in this case and have not accrued in accordance with the Federal Tort Claims Act prior to or during the pendency


of this action) are not barred; and that Plaintiffs have the right to bring those claims in the future should such diseases, illnesses or conditions manifest themselves.

3. This stipulation of partial dismissal does not extend to the claims previously dismissed by the Court in its Memorandum and Order dated September 27, 2005, namely, the individual claims of Michael L. Gros, and the derivative claims of Janie Gros, Andrew Michael Gros and Thomas Gros.


4. Upon the entry of the Court's order dismissing the individual claims of Janie Gros, Andrew Michael Gros and Thomas Alan Gros with prejudice, the order dismissing the individual claims of Michael L. Gros (and claims of Janie Gros, Andrew Michael Gros and Thomas Alan Gros derivative of such claims) shall be a final and appealable judgment.

Respectfully submitted,

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3/15/06

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a duplicate of the foregoing Stipulation of Partial Dismissal with Prejudice has been duly served upon each party or their duly authorized agent or attorney of record either in person or by agent or by courier receipted delivery or by certified or registered mail to each party's last known address, or by telephonic document transfer to the recipient's current telecopier number as indicated below, on the 15 day of March, 2006.

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